



C.R.P(MD)No.1936 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

C.R.P(MD) No.1936 of 2019

Udayasuriyan

...Petitioner

Vs.

Govindan

...Respondent

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 02.08.2019 passed in I.A.No.231 of 2019 in O.S.No.47 of 2018 on the file of the Subordinate Judge, Paramakudi.

For Petitioner : Mr. K.Seemaraj

For Respondent : Mr. H. Thayumanaswamy



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ORDER

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This Civil Revision Petition is filed against the order dated 02.08.2019 passed in I.A.No.231 of 2019 in O.S.No.47 of 2018 on the file of the Subordinate Court, Paramakudi.

2. The Revision Petitioner is the defendant and the Respondent is the plaintiff in the suit in O.S.No.47 of 2018. The respondent has filed a petition under Order 6 Rule 17 and 18 of Code of Civil Procedure, to amend the plaint. The petitioner strongly resisted to the claim of the respondent to amend the plaint. On consideration of all aspects as the proposed amendment is only for mentioning the date of sale deed, the Court below allowed the said petition for amendment on payment of costs of Rs.500/- (Rupees Five Hundred only) which has to be paid by the respondent to the Revision Petitioner within the stipulated time. As the revision petitioner refused to receive the costs imposed by the Court, the respondent deposited the same before the Court below. Against the



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order in I.A.No.231 of 2019, the revision petitioner has filed the present Civil Revision Petition.

4. In fact, though the Civil Revision Petition is filed in the year 2019, till now there is no stay. However, filing a memo in the Trial Court that the Civil Revision Petition is pending before this Court, the petitioner successfully dragged the suit proceedings for four years without filing additional written statement.

5. As per the directions of this Court, dated 18.10.2023, the learned Subordinate Judge, Paramakudi, submitted a report, dated 07.11.2023, wherein, it is stated that the petitioner had not filed the additional written statement though sufficient opportunities are provided to them and accordingly, on 07.11.2023, it has been closed and there is no additional issues and it is further stated in the report that the suit has been posted to 09.11.2023 for further plaintiff's side evidence. It is also stated that the case will be posted on day to day basis and the case will be disposed of expeditiously.



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6. Considering the facts and circumstances of the case and I.A.No.231 of 2019 is filed seeking to amend the plaint to the extent of only for mentioning the date of sale deed and the said amendment could not prejudice the petitioner in any way and in the considered opinion of this Court, for fair trial the Court below allowed the amendment petition by passing a reasoned order.

7. In view of the above factual position, this Court is not inclined to interfere into the order passed by the Court below as there is no illegality or infirmity found in the said order.

8. Accordingly, this Civil Revision Petition is dismissed.

9. This Court placed the statement of the learned Subordinate Judge, Paramakudi, in his report dated 07.11.2023 that the suit will be posted on day to day basis and the case will be disposed of expeditiously is placed on record.



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10. No costs.

08.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

RM

To

The Subordinate Judge,
Subordinate Court,
Paramakudi.



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BATTU DEVANAND, J.

RM

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